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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,921	09/10/2003	Thomas M. Kopera	47079-0231	2299
30223	7590	06/29/2007		
NIXON PEABODY LLP 161 N. CLARK STREET 48TH FLOOR CHICAGO, IL 60601-3213			EXAMINER TORIMIRO, ADETOKUNBO OLUSEGUN	
			ART UNIT 3714	PAPER NUMBER
			MAIL DATE 06/29/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/658,921

Applicant(s)

KOPERA ET AL.

Examiner

Adetokunbo O. Torimiro

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 01/31/2005.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "40" and "42" on Page 7, line 16.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The term "kit" in claims 5-10 lacks antecedent basis in the specification because it is not discussed anywhere in the specification.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

4. Claims 5-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re claims 5-10: these claims are rejected because it is unclear as to what the term "kit" in line 1 refers to. See MPEP § 2173.05(d).

Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Fogelman et al (US 4,440,457).

Re claim 1: Fogelman et al discloses a method of converting a gaming machine from a first game to a second game, the gaming machine including a top box display having a standardized internal substructure / frames (see fig.6; col.3, line 46), the substructure supporting one or more first display elements associated with the first game, the substructure being substantially concealed from a player's view during normal operation of the gaming machine, the method comprising: removing the one or more first display elements from the substructure (see col.3, lines 50-52); and installing / replacing one or

more second display elements on the substructure in place of the one or more first display elements, the one or more second display elements being associated with the second game (see **figs.1 and 6; col.2, line 64-col.3. line 10**). **It is apparent and analogous for the substructure / frame to be concealed from the player of the game because it internal, hidden, and inside the gaming machine.**

Re claims 2,3,9, and 15: Fogelman et al discloses the method wherein the one or more first display elements / *monitor* are mounted to the substructure / *frames* (see **fig.6; col.3, line 46**), wherein the removing step disconnects the one or more first display elements from the substructure (see **col.3, lines 50-52**), and wherein the installing step mounts the one or more second display elements to the substructure; wherein the one or more first display elements and the one or more second display elements are selected from a group consisting of decorative shells, sculptures, video displays, and mechanical displays (see **col.3, lines 1-5**). **It is apparent to Examiner that although Fogelman et al do not explicitly disclose removing and installing, it is analogous to remove a first display and then install a second display in the process of replacing of display.**

Re claims 4,10, and 16: Fogelman et al discloses the method wherein the one or more first display elements include a first side facing artwork / *graphics* panel adapted to be backlit from within the top box display, and wherein the one or more second display elements include a second side facing artwork / *graphics* panel adapted to be backlit from within the top box display (see **col.3, lines 54-60**).

Re claim 5: Fogelman et al discloses a kit for converting a gaming machine from a first game to a second game, the gaming machine including a top box display having a standardized internal substructure / *frame* (see **fig.6; col.3, line 46**), the substructure supporting one or more first display elements associated with the first game, the substructure being substantially concealed from a player's view during normal operation of the gaming machine, the kit comprising one or more second display elements associated with the second game, the one or more second display elements adapted to mount to the substructure in place of the one or more first display elements after the one or more first display elements are removed from the substructure (see **figs.1 and 6; col.2, line 64-col.3. line 10 and col.3, lines 50-52**). **It is apparent to Examiner that although Fogelman et al did not explicitly mention second display, it is analogous that if a display is removed and/or replaced as disclosed in col.3, line 50-52, it means a second display is put in place of a first display.**

Re claims 11 and 17: Fogelman et al discloses a gaming machine convertible from play of a first game to play of a second game, the machine comprising a top box display having a standardized internal substructure / *frame* (see **fig.6; col.3, line 46**), the substructure being substantially concealed from a player's view during normal operation of the gaming machine, the substructure supporting one or more first display elements associated with the first game when the machine is operable to play the first game, the substructure supporting one or more second display elements associated with the second

game when the machine is operable to play the second game, the one or more second display elements adapted to mount to the substructure in place of the one or more first display elements after the one or more first display elements are removed from the substructure (see figs.1 and 6; col.2, line 64-col.3. line 10 and col.3, lines 50-52). It is **apparent to Examiner that although Fogelman et al did not explicitly mention second display, it is analogous that if a display is removed and/or replaced as disclosed in col.3, line 50-52, it means a second display is put in place of a first display.**

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 6-8 and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fogelman et al (US 4,440,457) in view of Seelig et al (US 2004/0051249). The teachings of Fogelman et al have been discussed above.

Re claims 6-8 and 12-14: Fogelman et al teaches a gaming machine for converting from play of a first game to play of a second game.

However, Fogelman et al fails to explicitly teach wherein the substructure includes a cable chase defining a space for accommodating power and data cables; wherein the cable chase

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is adapted to support power supplies and controller boards; wherein the cable chase includes a plurality of connector holes for mounting standardized cable connectors.

Seelig et al teaches wherein the substructure includes a cable / *wire* chase defining a space for accommodating power and data cables; wherein the cable chase is adapted to support power supplies and controller boards; wherein the cable chase includes a plurality of connector holes for mounting standardized cable connectors (see **figs.1, 4, and 5; par. [0017] and par. [0045]**).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to make this combination of Fogelman et al and Seelig et al so as to have a compartment and section of the gaming machine for storing cables, wires and components related with the electrical connection in the gaming machine hence hiding the electrical connection from the player and protecting the player from getting in electrical danger by being exposed to the wires, protecting the player from hurting themselves by tripping over the wire, and making the game more compact, neat, and more inviting to the player. It is also obvious that for the cable / wire chase to be mounted on the gaming machine, there has to be holes necessary for mounting.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Majima et al discloses panel mounting apparatus for game machine and game machine using the same; Tahoe et al discloses game information storage medium and game system using the same; Yoseloff et al discloses computerized gaming system, method, and


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apparatus.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adetokunbo O. Torimiro whose telephone number is (571) 270-1345. The examiner can normally be reached on Mon-Fri (8am - 4pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

AT


ROBERT E. PEZZUTO
SUPERVISORY PRIMARY EXAMINER